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SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): FOLLOW UP ON LIBYAN TRANSPARENCY MEASURES FOR THE ANNUAL CWC CONFERENCE IN DECEMBER 2009

REF: A. 2009 STATE 100809 (RESPONSE TO LIBYA PAPERS ON TWO CWC ISSUES)
B. EC-58/NAT.5 AND ADD.1 (LIBYA,S REQUEST FOR EXTENSION OF CW DESTRUCTION DEADLINES DATED AUGUST 24 2009 AND OCTOBER 14 2009 RESPECTIVELY)

¶11. (U) This is an action request for the U.S. Delegation in The Hague and for Embassy Tripoli; see paragraphs 4 and 5.

Background

¶12. (SBU) A demarche sent in September 2009 (Ref A) defined transparency measures for Libya,s future communications on Chemical Weapons Convention (CWC) issues that were required for the United States to join in the October 13-16, 2009 Executive Council session (EC-58) approval of a recommendation to the Conference of the States Parties (CSP) for a further extension of Libya,s chemical weapons (CW) destruction deadlines. These transparency measures apply to both EC-58 and future communications to the Executive Council and the November 30) December 4, 2009 CSP (CSP-14). During EC-58 Libya provided the necessary transparency on its plans for CW destruction, and as a result, the Libyan request for extension of destruction deadlines was recommended for approval. It is important to note that in addition to the now routine calls by the United States and United Kingdom (UK) on the EC margins for improved Libyan transparency, Sweden, speaking on behalf of the European Union, called for &clear and unambiguous information& about plans, intentions, and projections on which the extension request is based. This action resulted in the Libyan delegation submitting additional information on their plans for CW destruction.

¶13. (SBU) This demarche provides additional follow-up points that are needed for Libya,s preparation for and participation in CSP-14. The overall objective of this follow up action is twofold: (1) to impress upon the Libyan representatives the importance of Libya meeting States Parties, expectations for continued and ongoing communications regarding Libya,s progress on the Rabta conversion and the construction of the Rabta Toxic Chemical Destruction Facility, and (2) to schedule a preparatory working session with the Libyan delegation the week prior to the CSP-14 in The Hague.

Action Requests

¶14. (U) The Department requests the U.S. Delegation to the Organization for the Prohibition of Chemical Weapons (OPCW), and Embassy Tripoli, respectively, to deliver the discussion points in paragraph 6 to the appropriate Libyan

representatives in The Hague and in Tripoli, informing both that the points are being delivered concurrently, and to report the response by Monday November 16, 2009. Both the U.S. Delegation to the OPCW and Embassy Tripoli should inform their UK counterparts of the nature of the discussion, the recommendation for a preparatory working session in The Hague during the week preceding CSP-14, and the intention to solicit the UK CWC delegation participation in the working session. Please slug responses to ISN/CB, VCI/CCA, WINPAC/MRIT and NEA/MAG.

15. (U) The CWC delegation should contact the Libyan CWC delegation as soon as practical, address the points in paragraph 6, and state our intention to solicit UK CWC delegation participation in the working session. Embassy Tripoli should engage Mr. Mohammed Rageb El Ghadi, Head of the Libyan Committee for the CWC, on these points. (NOTE: Mr. El Ghadi attended the last Conference and we are expecting his attendance this year. END NOTE). If Mr. El Ghadi is not available to meet by November 13, 2009, Embassy Tripoli should expand the request to include a meeting with Dr. Ahmed Hesnawy.

16. (SBU) Discussion Points

- The United States commends Libya on the success of our
STATE 00115619 002 OF 002

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bilateral meetings during the October 13-16, 2009 Executive Council session where we discussed U.S., UK, and Council's expectations for Libya's continued transparency in communications with States Parties, including specific information on progress made in preparation for CW destruction and the Rabta conversion.

- The information provided to the Executive Council by Libya in October was very useful. The United States urges Libya to provide continued and full transparency on these issues during the upcoming annual Conference of the States Parties, November 30) December 4, 2009, in The Hague.

- The need for clear and unambiguous information on the status of Libya's preparation for CW destruction was emphasized by the European Union in its statement during the October 13-16, 2009 Executive Council session.

- Libya should continue to communicate with both the United States and the UK during its preparation for a statement from the floor of the Conference that expands on the information provided in October and provides any updated information on progress on CW destruction and conversion efforts.

- Libyan participation from Tripoli during the Conference is important, particularly including the participation of the Head of the National Authority.

- The United States suggests a bilateral working session to help facilitate Libya's communication during the Conference. U.S. and Libyan representatives should meet during the week prior to the Conference, either during the Other Chemical Production Facilities workshop (November 25-26, 2009) or the Annual National Authorities, meeting November 27-29, 2009).

- Libya should be prepared to discuss changes in its plan for CW destruction, such as destroying leaking containers of chemicals at the Ruwagha storage site, and the changes that will be required in the Facility Agreement and Verification Plan.

- If useful, remind the Libyan representatives of the general guidelines provided in September for communicating the status the Rabta conversion and preparations for CW destruction: ---a clear update on what has been accomplished relative to

the schedules and benchmarks provided to the Council;
---specific information on any changes or unanticipated additional delays to planned activities and their impact, if any, on meeting the conversion and destruction deadlines;
---a summary of progress in the physical conversion of Rabta; and
---a summary of progress on construction of the Rabta Toxic Chemicals Destruction Facility, supporting infrastructure, and the status of destruction equipment fabrication and installation.

- In addition, and to continue meeting the concerns raised by the European Union at the October 13-16, 2009 Executive Council session, Libya should also include an update on contracts signed and dates for equipment delivery for the Rabta Toxic Chemicals Destruction Facility.

¶17. (U) The Department thanks the U.S. Delegation to the OPCW and Embassy Tripoli for their assistance. Tripoli impact minimization was considered in this request. The point-of-contact for this action is Tom Ferguson, ISN/CB, (202-647-9650, fergusontl@state.sgov.gov).

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